



31 October  
2014

# **SUBMISSION:**

## **Senate Community Affairs References Committee inquiry into Out of Home Care**



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## 1.0 Introduction

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*Children have the right to grow up in safe and stable environments, protected from abuse and neglect, and to have their developmental needs attended to.<sup>1</sup>*

The Western Australian Council of Social Service welcomes the inquiry by the Senate Community Affairs References Committee into Out of Home Care. While the Council and our community sector member organisations advocate for social change that improves the wellbeing of all Western Australians, we place a particular priority on responding to the needs of disadvantaged and vulnerable community members.

Our most vulnerable are often faced with a complex web of intersecting issues including: unemployment; poor education and health outcomes; drug and alcohol abuse; homelessness or inadequate housing conditions; offending behaviour and incarceration; family breakdown, including family and domestic violence and interactions with the child protection system; and social isolation. These complexities are often most apparent when children are involved. As the Western Australian Department for Child Protection and Family Support's 2013-14 Annual Report notes:

*Family and domestic violence is now recognised as one of the most common reasons for notification to statutory child protection services.... It is strongly associated with and linked to a number of other serious social issues including other forms of child abuse, homelessness, mental health issues, poverty, and drug and alcohol misuse.<sup>2</sup>*

Children in care are clearly one of the most vulnerable groups in our society and a comprehensive examination of the many issues impacting on out of home care is timely.

This submission seeks to provide information and analysis of relevance to all of the terms of reference of this inquiry, with particular attention to issues relating to best practice in the provision of out of home care services and the role of the community services sector (and Aboriginal community-controlled services in particular) in delivering better outcomes for children in care, and playing a greater role in prevention and early intervention for children and families at risk. We also provide data and analysis of rates of children in out of home care within Western Australia which give some insight into the comparative outcomes for children in WA.

The Council would welcome the opportunity to discuss these issues in more detail at a committee hearing or to provide more information or analysis on the issues raised within this submission on request.

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<sup>1</sup> Price-Robertson, R., Bromfield, L., & Lamont, A. (2014) *International approaches to child protection: What can Australia learn?*, Melbourne, Australian Institute of Family Studies.

<sup>2</sup> Department for Child Protection and Family Support (2014) *2013-14 Annual Report*, p.1.



## 2.0 About the WA Council of Social Service

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The Western Australian Council of Social Service (the Council), is the leading peak organisation for the community services sector, representing approximately three hundred members and affiliates, and working to support all the community organisations across WA involved in the provision of services to our community. We speak with and for, all the Western Australians who regularly access community services each year, whose voice and interests need to be brought to the attention of government, decision makers, media, business and the wider community.

Research tells us that poverty in our State is growing and affects more than 200,000 Western Australians. Sometimes that poverty co-exists with other forms of vulnerability or disadvantage – but not everyone experiencing hardship is poor, and living on low-incomes does not necessitate people being vulnerable or weak. Collectively, the not-for-profit community services sector supports the social wellbeing of over half a million Western Australians each year.

The Council is also part of a national network consisting of the Australian Council of Social Service (ACOSS) and state and territory Councils of Social Service.

### 2.1 Other key players in Western Australia

In addition to the work which the Council itself undertakes in relation to out of home care, there are three organisations whose work is critical to this area and which the Council brings to the attention of the Committee.

#### *Community Sector Roundtable*

In Western Australia, the *Community Sector Roundtable* (CSR) is an advisory body that reports directly to the Director General, Department for Child Protection and Family Support. It provides advice and information that improves outcomes and strengthens the relationship between the Department and the community services sector in relation to the funding and provision of services, with specific terms of reference to:

- *Foster positive and effective working relationships between the Department and the community services sector.*
- *Identify creative and innovative solutions that will lead to improved service delivery.*
- *Provide advice on policy and practice in relation to funding arrangements between the Department and the sector in relation to child protection, children and young people in care and individual and family support services.<sup>3</sup>*

Members are appointed for 3 year terms by the Director General following an Expression of Interest process. The current Chair is Basil Hanna, CEO of Parkerville Children and Youth Care. The WACOSS CEO has been a member since its inception in 2009.

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<sup>3</sup> Department for Child Protection & Family Support (no date) *Community Sector Roundtable*.



## **Alliance for Children at Risk**

The *Alliance for Children at Risk* represents non-government, not-for-profit providers of care for children removed from their families because of their parents' inability to care for them in Western Australia. The Alliance members are: Accordwest, Anglicare WA, Centrecare, Key Assets WA, Life Without Barriers, MacKillop Family Services, MercyCare, Parkerville Children and Youth Care, The Salvation Army, UnitingCare West, Wanslea and Yorganop (the only Aboriginal provider in WA).<sup>4</sup>

Yorganop's primary function is to provide a placement service which gives effect to the *Aboriginal and Torres Strait Islander Child Placement Principle*<sup>5</sup>. In addition, they also provide support to Aboriginal child care services and their staff.

The Alliance promotes six core policies:

1. *Greater resources for the provision of services to children in out of home care or that reduce the risk of children entering care.*
2. *Not-for-profit organisations (NFPs) to deliver at least 50% of all placement services, including leaving care, kinship care etc.*
3. *Standardised assessment for all children in care.*
4. *Care plans for every child, reviewed in collaboration with the care provider, with case management for children in long term care to be done by the care provider.*
5. *Recognition that care is not enough and that we must also treat the trauma every child in care has suffered, through appropriate counselling and other support services.*
6. *Objective measures of care to be at "typical Aussie kid" standard.*<sup>6</sup>

## **Aboriginal Family Law Services**

Aboriginal Family Law Services (AFLS) are a leader in the provision of culturally-secure family violence legal services, support and education for Aboriginal people in Western Australia (WA). The Council wishes to draw the Committee's attention to AFLS' submission to this inquiry — in particular the discussions relating to the culturally-appropriate placements, and the role of Elders.

## **Secretariat of National Aboriginal and Islander Child Care (SNAICC)**

SNAICC is leading the *Family Matters: Kids safe in culture, not in care* campaign, which has been established to address the over-representation of Aboriginal children in care. It is being driven by a national coordinating group comprising of Chief Executive Officers and/or Chairs from Queensland Aboriginal and Torres Strait Islander Child Care Peak (QATSICPP); Aboriginal and Torres Strait Islander Healing Foundation; Aboriginal Child, Family and Community Care State Secretariat (AbSec); Australian Council of Social Service (ACOSS) and Families Australia.

Family Matters is a multi-layered strategy with state based and national initiatives targeting both the government and non-government sectors. At the core of this initiative is a bottom up approach where consultation with Aboriginal and Torres Strait Islander people, service providers and practitioners inform the content and strategic directions of this project.

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<sup>4</sup> Alliance for Children at Risk (2009) *About the Alliance for Children at Risk*.

<sup>5</sup> Department for Child Protection & Family Support (2011) *Caring for Aboriginal and Torres Strait Islander children (ATSI)*.

<sup>6</sup> Alliance for Children at Risk (2009) *Alliance Goals*.



In June this year, SNAICC sponsored the *Perth Family Matters: Kids safe in culture, not in care Forum* in partnership with Yorganop and the Council. In preparation for the Forum, an Issues Paper was developed which identified six critical issues which became the focus for discussion at the Forum:

- Understanding and respect for Aboriginal and Torres Strait Islander cultures, including child rearing practices;
- Aboriginal and Torres Strait Islander participation in child protection decision-making;
- Aboriginal and Torres Strait Islander Child Placement Principle;
- Trauma, social and economic disadvantage links to child abuse and neglect;
- Investment in prevention and early intervention services; and
- Level of expenditure in accordance with over-representation in the child protection system.<sup>7</sup>

A Report of the Forum has subsequently been prepared<sup>8</sup>, and includes recommendations from the community meeting held in Fitzroy Crossing, and identifies the most appropriate focus of implementation – through government, non-government sector and community.

### 3.0 Key statistics

Earlier this year, the Western Australian Commissioner for Children and Young People released an updated edition of *The State of Western Australia's Children and Young People* which identifies forty measures of wellbeing categorised under the domains established originally by the Australian Research Alliance for Children and Youth.

**Table 1:** Aboriginal children and young people aged 0 to 17 years:  
number and in per cent, Western Australia, 2011<sup>9</sup>

Age Group	Number of Aboriginal children	Number of all children	% of Aboriginal children in total population 0-17
0 to 4 years	18,757	275,311	6.8
5 to 12 years	12,132	177,750	6.8
13 to 17 years	5,716	91,715	6.2
<b>Total 0 to 17 years</b>	<b>36,605</b>	<b>544,776</b>	<b>6.7</b>

<sup>7</sup> Secretariat of National Aboriginal & Islander Child Care (2014) *Family Matters: Kids safe in culture not in care, Western Australia Issues Paper*.

<sup>8</sup> As far as the Council is aware, this report has not yet been made public.

<sup>9</sup> Australian Bureau of Statistics 2013, Estimates of Aboriginal and Torres Strait Islander Australians, June 2011 cited in Commissioner for Children & Young People (2014) *The State of Western Australia's Children and Young People – Edition Two*, p.38.



**Table 2:** Children and young people aged 0 to 19 years: number and in per cent, by age group, by region and by Aboriginal and non-Aboriginal, Western Australia, 2011<sup>10</sup>

	0 to 4 years		5 to 9 years		10 to 14 years		15 to 19 years	
	Aboriginal	Non-Aboriginal	Aboriginal	Non-Aboriginal	Aboriginal	Non-Aboriginal	Aboriginal	Non-Aboriginal
Broome	623	702	594	698	557	574	497	387
Geraldton	997	3,327	941	3,397	972	3,571	817	3,193
Kalgoorlie	847	3,960	824	3,613	782	3,432	712	3162
Kununurra	737	335	839	284	771	218	615	174
Perth	3,936	109,802	3,794	102,051	3,845	103,443	3,827	113583
South Hedland	966	3,788	1,042	3,075	935	2,489	940	2,036
South-Western WA	1,739	23,881	1,754	24,037	1,719	25,099	1,369	22,567
West Kimberley	590	185	586	127	499	84	412	116
<b>Total</b>	<b>10,435</b>	<b>145,980</b>	<b>10,374</b>	<b>137282</b>	<b>10,080</b>	<b>138,910</b>	<b>9189</b>	<b>145,218</b>

That report also notes that there are a number of significant differences between the Aboriginal population of Western Australia and the total population including that the proportion of children and young people in the Aboriginal population is almost double that of the proportion of children and young people in the non-Aboriginal population (41% compared to 22.4%).<sup>11</sup> In addition, around 60% of Aboriginal children and young people aged 0-19 years live outside the Perth metropolitan area compared to 22% of non-Aboriginal children and young people.<sup>12</sup>

The figures above also provide a useful context in which to consider the alarming statistic that despite comprising less than 7% of the state's children, over 50% of children in care are Aboriginal. While the absolute numbers of children in care has been steadily rising in Western Australia the proportion of those children who are Aboriginal has been increasing at a faster rate.

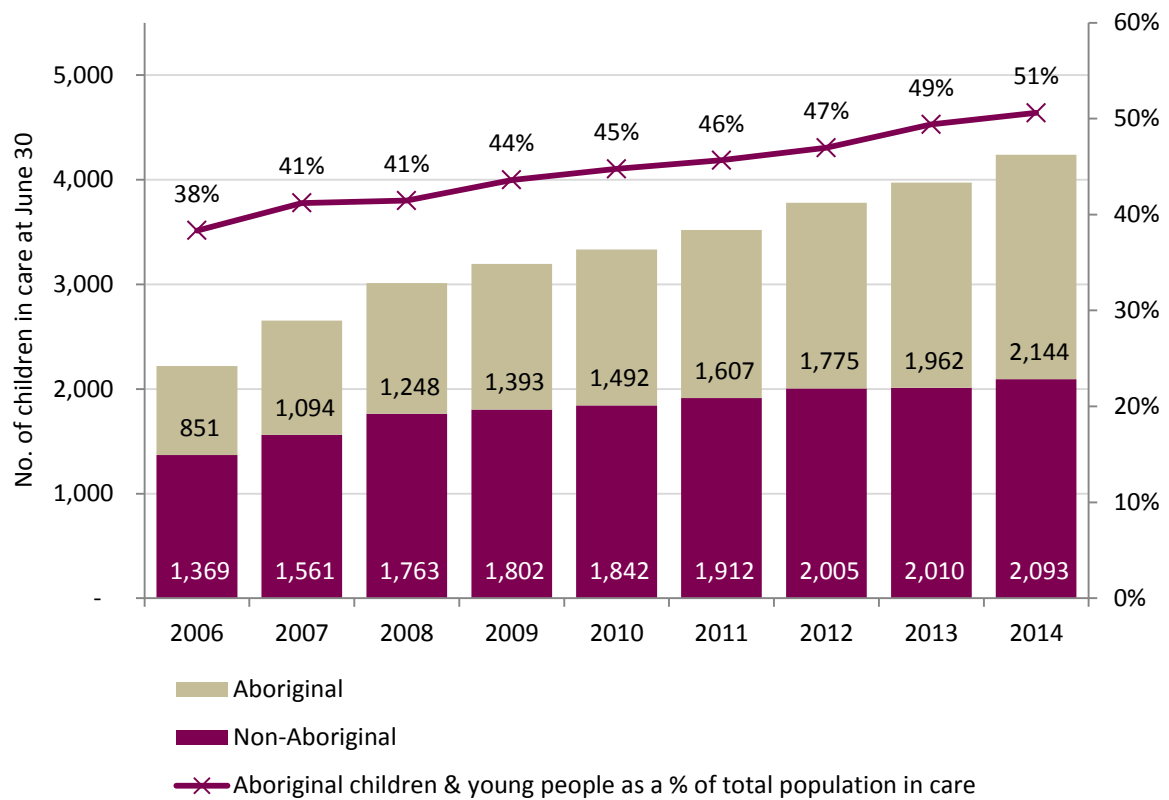
<sup>10</sup> Australian Bureau of Statistics 2013, Estimates of Aboriginal and Torres Strait Islander Australians, June 2011 cited in Commissioner for Children & Young People (2014) *The State of Western Australia's Children and Young People – Edition Two*, p.39.

<sup>11</sup> Ibid p.38

<sup>12</sup> Ibid.



**Table 3:** Children in Care at 30 June (WA)<sup>13</sup>



There are a range of living arrangements for children in care. 43% of children are placed in foster care with a relative (this is particularly common for Aboriginal children). Almost 27% of children are in a Departmental general foster care placement.

**Table 4:** Living arrangements of children and young people in the Chief Executive Officer's care at 30 June 2014<sup>14</sup>

Type of living arrangement	Aboriginal		Non-Aboriginal		Total	
	Number	%	Number	%	Number	%
Parent/former guardian	109	5.1	148	7.1	257	6.1
Relative foster care	1,042	48.6	779	37.2	1,821	43
Departmental foster care	432	20.1	707	33.8	1,139	26.9
Community sector foster care	196	9.1	208	9.9	404	9.5
Departmental residential	69	3.2	46	2.2	115	2.7
Community sector residential	164	7.6	113	5.4	277	6.5
Unendorsed arrangement	106	4.9	58	2.8	164	3.9
Independent living	2	0.1	13	0.6	15	0.4
Prospective adoption	2	0.1	11	0.5	13	0.3
Other	22	1	10	0.5	32	0.8
<b>Total</b>	<b>2,144</b>	<b>100</b>	<b>2,093</b>	<b>100</b>	<b>4,237</b>	<b>100</b>

<sup>13</sup> Department for Child Protection and Family Support (2011-2014) *Annual Reports*.

<sup>14</sup> Ibid, p.18.



## 4.0 Some key issues

### 4.1 Growth in delivery of services through the community sector

The Council strongly supports the campaign led by the Alliance for Children at Risk calling for greater community sector involvement in the provision of out of home care services in WA.<sup>15</sup> Over the last 15 years, the proportion of care places allocated to the community sector has declined from about 25 percent to just over 10 percent. In other states, the community sector provides most or nearly all places and our role is being increased.<sup>16</sup> The Alliance for Children at Risk has recommended that there be an increase to 50 percent of Out of Home Care places (including kinship care) provided by non-government organisations in five years.

Increasing community sector service delivery provides a range of benefits that improve life outcomes for children in care, or at risk of being taken into care, and their families. Community service organisations provide a more diverse range of care styles and options, thus better matching individual client needs. Community sector participation encourages innovation and creative development of care options as well as better linkages with other support services. Providing for children in care is the responsibility of the whole community, not simply a government task, and so greater community sector involvement is an essential part of a whole of community response.<sup>17</sup>

#### ***Building the capacity of Aboriginal organisations***

There are significant benefits to building partnership-centred approaches to service delivery through partnerships with Aboriginal community controlled organisations. Given the over-representation of Aboriginal children and young people within the WA child protection system (concurrent with the need to grow the proportion of community sector-provided services), priority needs to be given to initiatives that build the number, capacity and resources of Aboriginal community controlled out of home care service providers.

In considering responses to Aboriginal disadvantage in WA, the Council is pleased to draw attention to an important piece of work currently underway within the Northern Territory. The Northern Territory Council of Social Service (NTCOSS) has been working collaboratively with both local and national peak organisations<sup>18</sup> to develop a set of principles to guide partnership-centred service delivery in Aboriginal communities.<sup>19</sup> This approach recognises the strong aspirations of Aboriginal community controlled organisations to work with (and secure the support of) non-Aboriginal NGOs to strengthen and rebuild an Aboriginal controlled service sector. It is about putting Aboriginal people back in the driver's seat.

<sup>15</sup> Alliance for Children at Risk (2014) *Greater not-for-profit involvement in care services*.

<sup>16</sup> Ibid.

<sup>17</sup> For a longer list of benefits from NFP involvement in care services, refer to: Alliance for Children at Risk (2014) *Greater not-for-profit involvement in care services*.

<sup>18</sup> Organisations involved in this partnership include NTCOSS, Aboriginal Peak Organisations NT (APONT), Strong Aboriginal Families Together (SAFT), the National Congress of Australia's First Peoples and the Australian Council of Social Service (ACOSS).

<sup>19</sup> These principles involve non-Aboriginal organisations recognising existing capacity and particular strengths of Aboriginal organisations, and include a) identifying how they can contribute to further developing this capacity; b) researching existing Aboriginal service providers and development agencies before applying for service delivery contracts or prior to considering community development projects; and c) not directly competing with the Aboriginal service providers, but rather seeking to develop partnerships where appropriate.





Further to this end (and as mentioned earlier), in June 2014 the Council partnered with SNAICC and Yorganop<sup>20</sup> to hold the *Family Matters: Kids safe in culture, not in care* forum in Perth. At the forum, which was attended by government and non-government service providers and community members, there was significant discussion around the need for innovative prevention and early intervention services that are trauma-informed, outcome-focussed and evidence-based. Emphasis was also placed on the need for services to be strengths-based, led by local Aboriginal people and using local Aboriginal knowledge. This is a natural opportunity to build the capacity of local Aboriginal organisations to deliver services.

In our recent Pre Budget Submission the Council recommended two related investments:

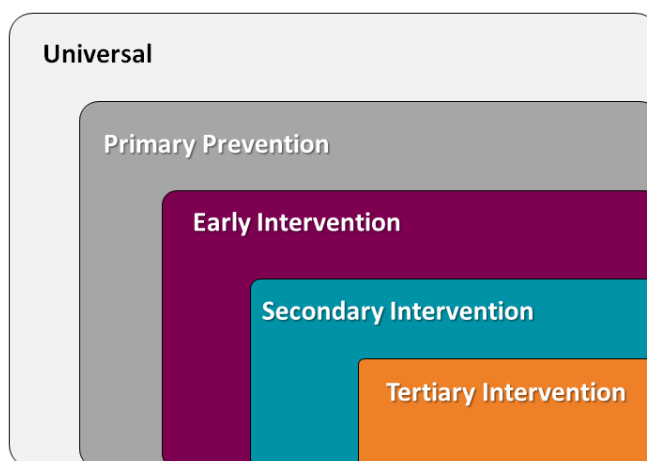
1. *Growth in the proportion of out of home care services delivered by community-based organisations by 10 percent, and build the capacity of Aboriginal community controlled services to be a bigger part of this service delivery. Cost: \$30 million<sup>21</sup>*
2. *Increase investment in Aboriginal community-controlled intensive family support services to target and sustain prevention and early intervention services. Cost: \$17.8 million<sup>22</sup>*

## 4.2 Wider service delivery issues

Developing an effective, efficient and responsive service system designed to meet the needs of families and communities is critical and requires significant reform.

*The existing service system of universal, targeted and treatment services needs to be reconfigured as an integrated and tiered system of secondary and tertiary services, built upon a strong base of universal and primary service.<sup>23</sup>*

An effective service system should be able to identify those at risk sooner, enabling early intervention that can prevent the development of disadvantage. This in turn can reduce the need for more intensive support and the costs associated with lifetime service provision. As different individuals and families need different levels of support at different times, it is important that there are pathways from universal services to more targeted and intensive services, but also from those services back to universal platforms. The conceptualisation of a continuum of services nested within a universal approach is illustrated above.



Universal services, by definition, are available to the whole of the population, or put another way: every child and every family is in scope. Strengthening access to universal services and developing an

<sup>20</sup> Yorganop is the only Aboriginal service to provide foster care places in WA.

<sup>21</sup> WACOSS (2014) *2015-16 Pre-Budget Submission*, p.17.

<sup>22</sup> Ibid, p.18.

<sup>23</sup> NHS Health Advisory Service, 1995; Statham, 1997 cited in Centre for Community Child Health (2006) *Policy Brief: Services for your children and families: an integrated approach*, p.3.



efficient tiered system of targeted treatment services is critical for building an effective service system and providing basic services to all children and families.

Those with the greatest need are often the least likely to be able to access available services. In the current service system, it is sometimes difficult for families to access the treatment and support they need due to their ineligibility for treatment because of specific criteria and long waiting lists. When treatment does become available, it is often too late, and the problem has become so serious that change is harder and more costly to remedy.<sup>24</sup>

The Council is concerned that the future of a number of Aboriginal universal services is uncertain. The *Aboriginal Early Years – Best Start program*, which is administered by the Western Australian Department of Local Government and Communities seeks to improve the life opportunities of Aboriginal children aged 0–5 years, strengthen parenting and prepare Aboriginal children for school. It does this through the provision of free, multi-faceted and culturally appropriate activities and information services to parents. However, the numbers of such programs have not only decreased since the amalgamation of the former Department for Communities with the Department of Local Government, a further three will close at the end of this year due to the cessation of funding under the *National Partnership Agreement on Access to Early Childhood Education*. Similarly the future of the five Indigenous Child and Family Centres established in Western Australia (including four in the north-west of the state) under the National Partnership Agreement on Indigenous Early Childhood Education is uncertain due to the cessation of that NPA.

In addition to the need for an expansion of universal services, (and to retain those we currently have), the importance of improving the interface with secondary family support services is also critical to ensure children and families receive appropriate levels and types of assistance. As the *National Framework for Protecting Australia's Children* explains:

*National and international research shows that:*

- *families have strengths that can be built upon to keep children safe and well;*
- *families may require advice and support, particularly in times of change;*
- *provision of services early in a child's life and/or early in the life of a problem can improve long term outcomes for children and reduce negative impacts;*
- *a focus on early intervention and prevention is more cost-effective in the long term than responding to crises, or treating the impacts of abuse and neglect.*<sup>25</sup>

In Western Australia, *Family Support Networks* have been developed to address these issues.

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<sup>24</sup> Moore, T. (2008) *Rethinking universal and targeted services*, Centre for Community Child Health: Working Paper 2, p. 3.

<sup>25</sup> Stronger Families Learning Exchange (2002) cited in Department of Social Services (2009) *National Framework for Protecting Australia's Children*, p. 17.



## Family Support Networks

Western Australian *Family Support Networks* (FSNs) are an alliance of community sector services and the Department for Child Protection and Family Support. They provide integrated and coordinated secondary family support services to improve outcomes for vulnerable children, young people and families and prevent the need for tertiary child protection interventions.<sup>26</sup>

Families who require intensive support services can often find it difficult to navigate the service system or are reluctant to engage. When required, the FSN will actively reach out to connect with these families and support them to access the services they need.

While FSNs are a relatively new initiative, an independent evaluation has shown early evidence of positive outcomes for families through improved coordination and integration of services and reduced demand on district offices of the Department for Child Protection and Family Support.<sup>27</sup>

An expansion of the Family Support Networks can provide integrated and coordinated secondary family support services to improve outcomes for vulnerable children, young people and families and prevent the need for tertiary child protection intervention throughout WA. Starting in Armadale as the innovation site, FSNs are now operating in Mirrabooka and the Mid-West and proposed for Fremantle. Through the Community Sector Roundtable, an expansion of FSNs with the ultimate goal to have one network operating in each of the DPCFS' districts is being planned, commencing with Rockingham/Kwinana and Peel in the coming year.

## 5.0 The broader context

The Terms of Reference of the current Inquiry acknowledge that a thorough examination of child protection must also examine some broader aspects as well. There are several matters the Council would draw to the Committee's attention in this respect.

Firstly, there are the links between homelessness, child protection and juvenile justice. A 2012 AIHW publication found that young people with a child protection history tend to enter juvenile justice supervision at a younger age.

*Of those under juvenile justice supervision who had one or more substantiated child protection notifications, 21% first entered supervision aged 10–13 compared with 6% of those with no substantiated notifications. Young people without substantiated notifications were more likely to have entered supervision when they were older, with 33% doing so at age 17 compared with 11% of those who had one or more substantiated notifications.*<sup>28</sup>

*... young people who have been involved in the child protection system are more likely to be homeless and often have low levels of educational attainment and employment, and*

<sup>26</sup> For more information see Department for Child Protection (no date) *Secondary Family Support State Plan 2010-2013*.

<sup>27</sup> KPMG (2013) *Evaluation of the Armadale Family Support Network: Final Evaluation Report*.

<sup>28</sup> Australian Institute of Health and Welfare (2012) Children and young people at risk of social exclusion: links between homelessness, child protection and juvenile justice, <http://www.aihw.gov.au/publication-detail/?id=60129542237>, page vii



*thus are more likely to commit survival crimes such as theft. They are also more likely to have drug and alcohol problems.*<sup>29</sup>

Secondly, the Council is concerned about the implications for child safety of the Commonwealth's recent announcement that it intends to withdraw responsibility for funding municipal and essential services in remote Aboriginal communities. Of the 274 remote Aboriginal communities in WA containing 15,000 residents, the State is the major funder of 94 camps, while the Commonwealth has historically funded the remaining 180 to the tune of about \$45 million a year.<sup>30</sup>

WA's Housing Minister, Bill Marmion has said:

*[S]ustainable communities were those "that provide strong employment opportunities, are economically sustainable, have infrastructure capable of maintaining the community and have a strong governance structure".*

*"It is too early to tell whether any communities will need to close. However, as a result of the Commonwealth withdrawing from its responsibilities, this may well be an outcome."*<sup>31</sup>

The Council is concerned by the potential knock-on impact of these reforms for children and young people in these communities should they either remain in communities with inadequate municipal services, or be forced to shift to other locations that may be overcrowded, unhealthy and unsafe.

## 6.0 Conclusion

In Australia child protection is focused on intervening after child abuse and neglect has occurred, rather than prevention.<sup>32</sup> While child protection is, and should be, "a core responsibility of statutory systems in Australia" to protect children and their rights<sup>33</sup> there is, without a doubt,

*...a moral obligation to ensure that government intervention does no further harm to children and an even greater obligation to prevent the harm of abuse and neglect occurring in the first place.*<sup>34</sup>

The Council thanks the Senate Community Affairs References Committee for the opportunity to provide a submission to this inquiry. Should you have any questions or concerns about this submission, or want any further information, please contact Chris Twomey, Director Social Policy at WACOSS on (08) 9420 7222

<sup>29</sup> Ibid, page 5.

<sup>30</sup> Emerson, D. (2014, September 25) *Canberra cuts funds for Aboriginal communities*, The West Australian.

<sup>31</sup> Ibid.

<sup>32</sup> O'Donnell, M., Scott, D., & Stanley, F. (2008, August). Child abuse and neglect - is it time for a public health approach? *Australian and New Zealand Journal of Public Health*, 32(4), 325-330

<sup>33</sup> Farrell, A. (2004). Child Protection Policy Perspectives and Reform of Australian Legislation. *Child Abuse Review*, 13, 234-245.

<sup>34</sup> O'Donnell, M., Scott, D., & Stanley, F. (2008, August). Child abuse and neglect - is it time for a public health approach? *Australian and New Zealand Journal of Public Health*, 32(4), 325-330

